

## NOTICE OF MOTION

### COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	General List
Registry	Sydney
Case number	2018/00263841

### TITLE OF PROCEEDINGS

First Plaintiff	<b>HUNT LEATHER PTY LTD</b>
Second Plaintiff	<b>SOPHIE IRENE HUNT</b>
Third Plaintiff	<b>ANCIO INVESTMENTS PTY LTD</b>
Fourth Plaintiff	<b>NICHOLAS ZISTI</b>
Defendant	<b>TRANSPORT FOR NSW</b> ABN 18804239602

### FILING DETAILS

Person seeking orders	<b>Transport for NSW</b> , defendant
Legal representative	Colleen Palmkvist Lander & Rogers
Legal representative reference	PCN: 43091 NSW Ref: COP:MWI:2076580
Contact name and telephone	Michael Williams Tel. +61 2 8020 7700
Contact email	miwilliams@landers.com.au

### PERSONS AFFECTED BY ORDERS SOUGHT

**Hunt Leather Pty Ltd & Ors**, Plaintiffs

### HEARING DETAILS

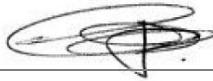
This motion is listed at Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000.

**ORDERS SOUGHT**

1. Pursuant to rule 21.2 of the Uniform Civil Procedure Rules 2005, the plaintiffs to give discovery of documents (as defined in the *Evidence Act 1995 (NSW)*) not already discovered, and that are in Plaintiffs' control, in the categories annexed to this application and marked "A".
2. Such further orders as the Court sees fit.

**SIGNATURE**

Signature of legal representative



Capacity

Solicitor on record

Date of signature

19 October 2021

**NOTICE TO PERSON AFFECTED BY ORDERS SOUGHT**

If you do not attend, the court may hear the motion and make orders, including orders for costs, in your absence.

**REGISTRY ADDRESS**

Street address: Supreme Court of NSW, Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000

Postal address: Supreme Court of NSW, GPO Box 3, Sydney NSW 2001

DX: Supreme Court of NSW, DX 829, Sydney NSW

Telephone: 1300 679 272

## "A"

**First and second plaintiffs**

1. All franchise agreements between the first plaintiff, the second plaintiff and/or any entity controlled by the first or second plaintiffs on the one hand and The Jean Cassegrain Company (No. 582.131.439) and/or Longchamp (No. B 737.050.187) (jointly or individually, **Longchamp**) on the other, between 2011 and 2015. Where the term "control" has the meaning given to it under s. 50 of the Corporations Act.
- ~~2. All management agreements between the first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs and Longchamp. Where the term "control" has the meaning given to it under s. 50 of the Corporations Act.~~
3. All agreements between the first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs on the one hand and Rimowa (being the Rimowa brand referred to in [43] of Ms Hunt's affidavit affirmed on 2 December 2020 (**Hunt Affidavit**), (**Rimowa**) on the other. Where the term "control" has the meaning given to it under s. 50 of the Corporations Act.
4. All correspondence passing between first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs on the one hand and Longchamp on the other referring to the proposed termination or termination of any franchise agreement and/or the reasons for termination.
5. All correspondence passing between first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs on the one hand and Longchamp on the other referring to target revenues.
6. All correspondence passing between first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs on the one hand and Longchamp on the other referring to the proposed opening of stores controlled by Longchamp.
7. All correspondence passing between first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs on the one hand and Rimowa on the other referring to the proposed opening of stores controlled by Rimowa.
8. Documents prepared by or on behalf of the first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs recording the age of stock/ stock turn over by stock keeping unit for the purposes of determining obsolescence in the period from FY15 to date and, where available, split up by store.
9. Point of sale records at the QVB store and the Strand store in the period 1 June 2014 to date, in excel format on a monthly basis.
- ~~10. Monthly revenue statements in excel format for any store operated by or on behalf of the first plaintiff, the second plaintiff, or any entity controlled by the first or second plaintiffs for the period 1 June 2014 to July 2015.~~
11. All correspondence referring to the proposed termination or redundancy or the termination and redundancy including the reasons for such termination and redundancy of the persons referred to in [787] of the Hunt Affidavit.

### Third and fourth plaintiffs

1. All tax returns for companies controlled by the fourth plaintiff for the FYE 12 to date. Where the term "control" has the meaning given to it under s. 50 of the Corporations Act 2001 (Cth).
- ~~2. All documents used to prepare documents ANC.001.015.0344, ANC.001.015.0221 and ACN.001.015.0129 (or any of them).~~
- ~~3. All correspondence passing between the third and/or fourth plaintiffs on the one hand and MenuLog Pty Ltd (MenuLog) and/or UberEats (being the entity referred to in [11] of Nicholas Zisti's affidavit affirmed 2 December 2020 (**Zisti Affidavit**), **UberEats**) on the other hand referring the third plaintiff's deregistration with MenuLog and/or UberEats and /or the reasons for deregistration and the date of deregistration.~~
4. All documents comprising contracts of employment entered into between the third and/or fourth plaintiffs between FY15 and to date.
5. All payslips or remittances to employees of third and/or fourth plaintiffs issued in the months of May to June 2018.
6. All correspondence between the chefs referred to in paragraph 203 of the Zisti Affidavit (**Chefs**) and the third and/or fourth plaintiffs:
  - a. concerning visa requirements and / or
  - b. referring to the resignation or redundancy of the Chefs.
7. All advertisements issued by the third or fourth plaintiffs for new chefs issued between May and July 2018.
8. All resumes received by the third or fourth plaintiffs between May and July 2018.
9. All correspondence between the third and /or fourth plaintiffs and Michele Zanellato between January and July 2018 referring to Khing Thai and/or an Italian restaurant to be operated at the site of Khing Thai.
10. Documents recording the staff working for the Third and/or Fourth Defendant for the FY15 to FY19, the hours worked and the nature of their employment (fulltime v casual).
11. Documents used to prepare the amount of "contractor" expenses referred to in the financial reports for FY 17 and 18.